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SENATE BILL 708

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Nancy Rodriguez

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE KNOWN AS CHILD ENDANGERMENT; PROVIDING PENALTIES; ENACTING A NEW SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 30, Article 6 NMSA 1978 is enacted to read:

"[NEW MATERIAL] CHILD ENDANGERMENT. --

A. Child endangerment consists of:

(1) a person transporting a child in a motor vehicle while violating the provisions of Section 66-8-102 NMSA 1978, regarding driving while under the influence of intoxicating liquor or drugs; or

(2) a person knowingly allowing another person to transport a child in a motor vehicle when the other person

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underscored material = new
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1 is violating the provisions of Section 66-8-102 NMSA 1978,
2 regarding driving while under the influence of intoxicating
3 liquor or drugs.

4 B. Whoever commits child endangerment that does not
5 result in injury to the child is guilty of a third degree
6 felony.

7 C. Whoever commits child endangerment that results
8 in an injury to the child is guilty of a second degree felony.

9 D. Whoever commits child endangerment that results
10 in great bodily harm to the child or the child's death is
11 guilty of a first degree felony.

12 E. A person who commits child endangerment as
13 provided in this section, and who has incurred a prior DWI
14 conviction within ten years of the occurrence for which he is
15 being sentenced pursuant to this section, shall have his basic
16 sentence increased by two years for each prior DWI conviction.

17 F. For the purposes of this section, "prior DWI
18 conviction" means:

19 (1) a prior conviction pursuant to Section
20 66-8-102 NMSA 1978; or

21 (2) a prior conviction in New Mexico or any
22 other jurisdiction, territory or possession of the United
23 States, including a tribal jurisdiction, when the criminal act
24 is driving while under the influence of intoxicating liquor or
25 drugs. "

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